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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	05220.P002X	7950

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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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05/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/016,117	Applicant(s) FARALDO, DAVID D.	
	Examiner Nicholas R. Taylor	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,15-18,23-26 and 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,15-18,23-26 and 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/06; 10/30/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on April 30th, 2007, has been entered.

2. Claims 1, 2, 7-10, 15-18, 23-26, and 29-40 have been presented for examination and are rejected.

Response to Arguments

3. Applicant's arguments filed April 30th, 2007, have been fully considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 30-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the claims describe the redirection, supplementation, and suspension of a first notification that is not generated due to the advanced notification rule, as per the limitations of amended claims 1, 9, 17, and 25.

Additionally, these claims are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps necessary to redirect, supplement, or suspend a first notification that as per the parent independent claims are never generated. For the purposes of this office action, the claims are treated as if the first notification still exists, and thus can be redirected, supplemented, or suspended.

6. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 39 lacks antecedent basis in claim 1 for "the machine readable medium."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 7-9, 15-17, 23-25, 29, 34, 35, 39, and 40 are rejected under 35

U.S.C. 102(e) as being anticipated by Rangarajan (U.S. Patent 5,987,514).

9. As per claims 1, 9, 17, and 25, Rangarajan teaches a method, comprising:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and (Rangarajan, col. 5, lines 39-56; col. 9, lines 19-58; fig. 2)

enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated (Rangarajan, col. 5, lines 57-63; col. 9, lines 19-58; fig. 2).

10. As per claims 7, 15, and 23, Rangarajan teaches the system further wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern (Rangarajan, col. 7, lines 35-68).

11. As per claims 8, 16, and 24, Rangarajan teaches the system further where the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time (Rangarajan, col. 7, lines 1-38).

12. As per claim 29, Rangarajan teaches the system further wherein the communications device transmit the first notification to the first person in the hierarchy and the processor acknowledges the first notification (fig. 2, item 70 and col. 7, lines 5-58).

13. As per claim 34, Rangarajan teaches the system further wherein the advanced notification rule comprises a suspend standard notification (Rangarajan, col. 5, lines 57-63; col. 9, lines 19-58; fig. 2).

14. As per claim 35, Rangarajan teaches the system further wherein the suspend notification, upon satisfaction of the standard notification rule, suspends the standard notification rule (Rangarajan, col. 5, lines 57-63; col. 9, lines 19-58; fig. 2).

15. As per claims 39 and 40, Rangarajan teaches the system further wherein the advanced notification rule comprises one of a redirect standard notification, a supplemental notification, a suspend standard notification, or an automatic acknowledgement (Rangarajan, fig. 2, item 70 and col. 7, lines 5-58).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2, 10, 18, 26, 30-33, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangarajan (U.S. Patent 5,987,514) and Graf (U.S. Patent 5,619,656).

18. As per claims 2, 10, 18, and 26, Rangarajan teaches the above, yet fails to teach the system further comprising: generating a second notification to a second person in the hierarchy based on the advanced notification rule.

Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects an additional notification to a specific person (Graf, col. 21, lines 37-44), generates supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Rangarajan and Graf to provide the notification system of Graf in the system of Rangarajan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a

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manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

19. As per claim 30, Rangarajan teaches the above, yet fails to teach the system further wherein the advanced notification rule comprises a redirect standard notification.

Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects an additional notification to a specific person (Graf, col. 21, lines 37-44), generates supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Rangarajan and Graf to provide the notification system of Graf in the system of Rangarajan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

20. As per claim 31, Rangarajan-Graf teaches the system further wherein the redirect standard notification redirects the first notification to a second person (Graf, col. 21, lines 37-44).

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21. As per claim 32, Rangarajan teaches the above, yet fails to teach the system further wherein the advanced notification rule comprises a supplemental notification.

Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects an additional notification to a specific person (Graf, col. 21, lines 37-44), generates supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Rangarajan and Graf to provide the notification system of Graf in the system of Rangarajan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

22. As per claim 33, Rangarajan-Graf teaches the system further where the supplemental notification directs the first notification to a second person in addition to the first notification to the first person (Graf, col. 21, lines 30-50, where multiple personnel are notified)

23. As per claim 36, Rangarajan teaches the above yet fails to teach the system further wherein the advanced notification rule comprises an automatic acknowledgement.

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Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects an additional notification to a specific person (Graf, col. 21, lines 37-44), generates supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Rangarajan and Graf to provide the notification system of Graf in the system of Rangarajan, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

24. As per claim 37, Rangarajan-Graf teaches the system further wherein the automatic acknowledgement automatically acknowledges receipt of the standard notification by the first person (Graf, col. 20, lines 50-67).

25. As per claim 38, Rangarajan-Graf teaches the system further comprising preventing escalation of the first notification using the automatic acknowledgment (Graf, col. 20, lines 50-67).

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Conclusion

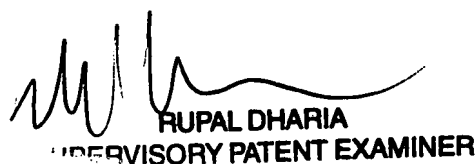
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nicholas Taylor
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER